

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Robert P Spennati
Renee F Spennati
Debtor(s)

Bankruptcy Case No.: 18-23383-JAD
Issued Per Mar. 7, 2019 Proceeding
Chapter: 13
Docket No.: 41 – 26, 32, 33
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 13, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,453 as of March 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: March 13, 2019

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Robert P Spennati
 Renee F Spennati
 Debtors

Case No. 18-23383-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 38

Date Rcvd: Mar 13, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 15, 2019.

db/jdb
 14904217 +Robert P Spennati, Renee F Spennati, 1818 Vanburen Street, Aliquippa, PA 15001-2044
 14918173 +AES/PHEAA, Attn: Bankruptcy, 1200 North 7th St, Harrisburg, PA 17102-1419
 CACH, LLC its successors and assigns as assignee, of Wells Fargo Bank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14925369 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14904219 +Consumer Portfolio Services, 19500 Jamboree Road, Suite 500, Irvine, CA 92612-2437
 14904221 +Ditech Financial LLC, 3000 Bayport Drive, Suite 880, Tampa, FL 33607-8409
 14904223 +Eastern Revenue Inc, Attn: Bankruptcy Dept., 601 Dresher Rd. Suite 301,
 Horsham, PA 19044-2277
 14904224 +Gerard Plumbing & Heating Inc, 357 Flaugherty Run Road, Coraopolis, PA 15108-8901
 14904229 +Municipal Water Auth Aliquippa, 160 Hopewell Avenue, Aliquippa, PA 15001-3599
 14904230 PA Dept of Revenue, 280408 Strawberry Sq, Harrisburg, PA 17101
 14904232 +PNC Bank, Attn: Bankruptcy Department, Po Box 94982: Mailstop Br-Yb58-01-5,
 Cleveland, OH 44101-4982
 14944230 +PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101-4982
 14904231 Peoples, PO Box 644760, Pittsburgh, PA 15264-4760
 14904233 +Pnc Mortgage, Attn: Bankruptcy, 3232 Newmark Drive, Miamisburg, OH 45342-5433
 14904234 +Ras Citron LLC, 133 Gaither Drive, Suite F, Mount Laurel, NJ 08054-1710
 14904237 +The Bureaus Inc, Attn: Bankruptcy, 650 Dundee Rd, Ste 370, Northbrook, IL 60062-2757
 14904238 +Wells Fargo Auto Finance, Attn: Bankruptcy, Po Box 29704, Phoenix, AZ 85038-9704

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14904218 +E-mail/Text: bankruptcy@sccompanies.com Mar 14 2019 03:00:01 Amerimark Premier,
 AmeriMark Customer Service, 6864 Engle Road, Cleveland, OH 44130-7910
 14915556 E-mail/Text: bankruptcy@consumerportfolio.com Mar 14 2019 03:01:34
 CONSUMER PORTFOLIO SERVICES, INC., PO BOX 57071, IRVINE, CA 92619 - 7071
 14941683 E-mail/Text: bankruptcy.bnc@ditech.com Mar 14 2019 03:00:29 DITECH FINANCIAL LLC,
 P.O. BOX 6154, RAPID CITY, SD 57709-6154
 14904220 +E-mail/Text: bankruptcy.bnc@ditech.com Mar 14 2019 03:00:29 Ditech Financial LLC,
 Attn: Bankruptcy, Po Box 6172, Rapid City, SD 57709-6172
 14942692 +E-mail/Text: kbarkley@bernsteinlaw.com Mar 14 2019 03:02:09 Duquesne Light Company,
 c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14904222 +E-mail/Text: kbarkley@bernsteinlaw.com Mar 14 2019 03:02:08 Duquesne Light Company,
 Customer Relations Department, 411 Seventh Avenue, Pittsburgh, PA 15219-1942
 14904225 E-mail/Text: cio.bncmail@irs.gov Mar 14 2019 03:00:26 Internal Revenue Service,
 PO Box 7346, Philadelphia, PA 19101-7346
 14927915 E-mail/Text: JCAP_BNC_Notices@jcap.com Mar 14 2019 03:01:37 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 14904226 E-mail/Text: JCAP_BNC_Notices@jcap.com Mar 14 2019 03:01:37 Jefferson Capital Systems, LLC,
 Po Box 1999, Saint Cloud, MN 56302
 14904227 +E-mail/Text: bncnotices@becket-lee.com Mar 14 2019 03:00:21 Kohls/Capital One,
 Kohls Credit, Po Box 3120, Milwaukee, WI 53201-3120
 14918507 E-mail/PDF: resurgentbknofications@resurgent.com Mar 14 2019 03:07:29
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,
 FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14918682 E-mail/PDF: resurgentbknofications@resurgent.com Mar 14 2019 03:07:29
 LVNV Funding, LLC its successors and assigns as, assignee of Capital One Bank (USA), N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14904228 +E-mail/PDF: resurgentbknofications@resurgent.com Mar 14 2019 03:07:29
 LVNV Funding/Resurgent Capital, Attn: Bankruptcy, Po Box 10497,
 Greenville, SC 29603-0497
 14904986 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 14 2019 03:07:25
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14909528 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Mar 14 2019 03:00:54
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg, PA 17128-0946
 14925675 +E-mail/Text: bankruptcy@sccompanies.com Mar 14 2019 03:02:27 Seventh avenue,
 c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 14904235 +E-mail/Text: bankruptcy@sw-credit.com Mar 14 2019 03:01:18 Southwest Credit Systems,
 4120 International Parkway, Suite 1100, Carrollton, TX 75007-1958
 14925674 +E-mail/Text: bankruptcy@sccompanies.com Mar 14 2019 03:00:01 Stoneberry,
 c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 14904236 +E-mail/PDF: gecsedirecoverycorp.com Mar 14 2019 03:07:40 Synch/roomful Express,
 Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
 14938120 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Mar 14 2019 03:07:30 Verizon,
 by American InfoSource as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 14904239 +E-mail/Text: adjustor@westaircomm.com Mar 14 2019 03:00:13 West Aircomm FCU, PO Box 568,
 Beaver, PA 15009-0568

TOTAL: 21

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 38

Date Rcvd: Mar 13, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Consumer Portfolio Services, Inc.
cr PNC BANK NATIONAL ASSOCIATION
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15005704* +PNC Bank, N.A., P.O. Box 94982, Cleveland, OH 44101-4982
14925676* +Seventh Avenue, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
TOTALS: 2, * 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 15, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 13, 2019 at the address(es) listed below:

Edgardo D Santillan on behalf of Debtor Robert P Spennati ed@santillanlaw.com,
edsdcourt@debtlaw.com,edsdcourt@gmail.com,650corpst304bknotbackup15009@gmail.com,eds@debtlaw.com,
eds.mycfemail@gmail.com,r53999@notify.bestcase.com
Edgardo D Santillan on behalf of Joint Debtor Renee F Spennati ed@santillanlaw.com,
edsdcourt@debtlaw.com,edsdcourt@gmail.com,650corpst304bknotbackup15009@gmail.com,eds@debtlaw.com,
eds.mycfemail@gmail.com,r53999@notify.bestcase.com
James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
DMcKay@bernsteinlaw.com
Keri P. Ebeck on behalf of Creditor Consumer Portfolio Services, Inc. kebeck@bernsteinlaw.com,
DMcKay@bernsteinlaw.com
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7